

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 37, 38, 51, 52 and 69 have been amended. Support for the claim amendments may be found throughout the specification and drawings as filed. Applicants submit that no new matter has been added.

In the Office Action, claims 37-40, 43-46, 51, 52 and 54-72 are rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. Claims 37-40, 43-46, 51, 52 and 54-72 are also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,732,074 to Spaur *et al.* Applicants traverse all of the rejections as set forth below.

Applicants would like to express their gratitude to Supervisory Patent Examiner Jack Keith and Examiner Ronnie Mancho for the courtesies extended during the in-person interview of January 15, 2008. Agreement was reached during the interview, as set forth below:

A. *Section 112 Written Description Rejections Regarding “a first field”, “a second field”, “user specified first schedule”, “user specified second schedule”, and “automatically, repeatedly, and wirelessly”*

Applicants and the Examiner agreed that the written description rejection of claims 37, 38, 51, 52 and 69 would be withdrawn provided that the above language was replaced with language taken from the specification. In the interest of expediting prosecution, Applicants have herein amended claim 37 to recite a, “first frequency for collecting from the vehicle’s on-board

diagnostic computer data for the subset of operational characteristics,” and a, “second frequency for wirelessly transmitting said collected data to said base station.” In addition, references in claim 37 to “automatically, repeatedly” have been deleted. Independent claims 38, 51, 52 and 69 have been similarly amended. Applicants submit that the amended claim language introduces no new matter. In fact, the amended claim language is completely supported throughout the specification and claims as filed including, for example at page 4, lines 17-22:

The schema component features an address that describes a location of a diagnostic datum in the vehicle’s computer memory. It can also describe a time or frequency that the data-collection component collects data from the vehicle’s computer, or a time or frequency that the data-transmission component transmits an ongoing data packet.

Accordingly, Applicants respectfully request that the written description rejections be withdrawn.

B. Section 112 Written Description Rejections Regarding “selectors corresponding to each of said set of operational characteristics”

Applicants and the Examiner agreed that the written description language rejections of claims “51, 54, etc.” based on the above language would be withdrawn. This is because the above language is clearly supported by the specification, at least at page 6, lines 7-9, where a “mechanism for selecting” is described.

C. Section 102 Rejections Over Spaur

Applicants and the Examiner agreed that the section 102 rejections of claims 37-40, 43-46, 51, 52 and 54-72 would be withdrawn. This is because Spaur fails to teach, at least, a, “first frequency for collecting from the vehicle’s on-board diagnostic computer data for the subset of operational characteristics,” or a, “second frequency for wirelessly transmitting said collected data to said base station.”

D. Information Disclosure Statements

Applicants note that copies of the SB/08 forms from the IDS’s filed on 3/10/06 and 2/22/07 do not appear to have been initialed by the Examiner. Applicants respectfully request initialed copies of the SB/08 forms corresponding to these IDS’s.

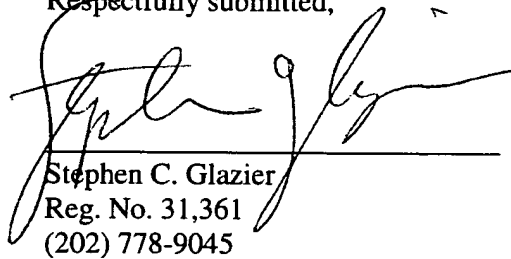
E. Reservation of Arguments

Applicants do not concede the correctness of the Office’s rejections with respect to any of the independent or dependent claims and hereby reserve the right to make additional arguments as may be necessary because the independent and dependent claims include additional features that further distinguish the claims from the cited references, taken alone or in combination. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences pointed out above.

SUMMARY

Applicant submits that the present application is in condition for allowance and requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

Respectfully submitted,



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11 Feb 08

Date: _____

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